

Chapter 338

(House Bill 437)

AN ACT concerning

Real Property – Sales of New Homes – Minimum Visitability Features

FOR the purpose of requiring a ~~developer of new homes in a subdivision~~ home builder at the time of offering new homes in a subdivision for sale to ~~make available for inspection a model home that contains minimum visitability features and to~~ offer minimum visitability features as an option for purchase under certain circumstances; requiring a certain offer of minimum visitability features to be accompanied by a certain document and a certain drawing or photograph; defining certain terms; providing for the application of this Act; providing for a delayed effective date; and generally relating to minimum visitability features in the sale of new homes.

BY adding to

Article – Real Property

Section 10–801 to be under the new subtitle “Subtitle 8. Miscellaneous Provisions”

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Real Property

SUBTITLE 8. MISCELLANEOUS PROVISIONS.

10–801.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) ~~(I) “DEVELOPER” MEANS A PERSON WHO IS RESPONSIBLE FOR THE DEVELOPMENT AND SALE OF RESIDENTIAL LOTS IN A SUBDIVISION.~~

~~(II) “DEVELOPER” INCLUDES A PERSON WHO ENGAGES IN THE BUSINESS OF CONSTRUCTING AND SELLING NEW HOMES IN A SUBDIVISION~~
“HOME BUILDER” MEANS A PERSON THAT UNDERTAKES TO ERECT OR OTHERWISE CONSTRUCT A NEW HOME.

(3) "MINIMUM VISITABILITY FEATURES" MEANS:

(I) A GROUND LEVEL ENTRANCE:

1. THAT HAS A WIDTH OF 36 OR MORE INCHES;
2. THAT IS ACCESSIBLE FROM THE OUTSIDE OF THE NEW HOME OR AN ATTACHED GARAGE; AND
3. IN WHICH THE THRESHOLD OF THE ENTRANCE IS NO MORE THAN 1.5 INCHES HIGHER THAN THE INTERIOR FLOOR AND THE EXTERIOR LANDING; AND

(II) A CIRCULATION ROUTE FROM THE GROUND LEVEL ENTRANCE TO AN UNATTACHED GARAGE, PARKING SPACE, OR PUBLIC RIGHT-OF-WAY THAT IS FREE OF ANY CURBS, STEPS, LANDINGS, OBSTACLES, OR OTHER VERTICAL CHANGES IN LEVEL THAT ARE MORE THAN 1.5 INCHES.

~~(4) "MODEL HOME" MEANS A NEW HOME IN A SUBDIVISION THAT IS MADE AVAILABLE FOR INSPECTION BY A PROSPECTIVE PURCHASER OF A NEW HOME IN THE SUBDIVISION SO AS TO ILLUSTRATE THE AVAILABLE FEATURES THAT CAN BE BUILT IN A NEW HOME IN THE SUBDIVISION.~~

~~(5)~~ (4) (I) "NEW HOME" MEANS A NEWLY CONSTRUCTED SINGLE-FAMILY DWELLING UNIT.

(II) "NEW HOME" DOES NOT INCLUDE:

1. A CUSTOM HOME AS DEFINED IN § 10-501 OF THIS TITLE; OR
2. A MOBILE HOME AS DEFINED IN § 8A-101 OF THIS ~~TITLE~~ ARTICLE.

(B) THIS SECTION DOES NOT APPLY TO:

- (1) A NEW HOME THAT IS LOCATED ABOVE ANOTHER NEW HOME;
- (2) AN ATTACHED NEW HOME;
- ~~(i) WITH A WIDTH OF LESS THAN 18 FEET; OR~~

~~(II) THAT DOES NOT HAVE ON THE GROUND FLOOR EITHER A BATHROOM OR A KITCHEN;~~

(3) A NEW HOME:

(I) THAT DOES NOT HAVE A GARAGE; AND

(II) IN WHICH THE SLOPE BETWEEN THE FINISHED GROUND LEVEL AT ALL UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY LINE THAT BORDERS A PUBLIC RIGHT-OF-WAY IS GREATER THAN 10%; OR

(4) A NEW HOME IN WHICH COMPLIANCE WITH THE DESIGN FLOOD ELEVATION RESTRICTIONS WILL CAUSE:

(I) THE FINISHED FLOOR TO BE MORE THAN 30 INCHES ABOVE THE FINISHED GROUND LEVEL AT ALL UNIT ENTRANCES; OR

(II) THE SLOPE BETWEEN THE FINISHED FLOOR AT ALL UNIT ENTRANCES TO THE NEAREST POINT ALONG A PROPERTY LINE THAT BORDERS A PUBLIC RIGHT-OF-WAY TO BE GREATER THAN 10%.

(C) THIS SECTION APPLIES ONLY TO A HOME BUILDER THAT CONSTRUCTS 11 OR MORE NEW HOMES IN A SUBDIVISION THAT CONTAINS:

~~(1) 11 OR MORE NEW HOMES; AND~~

~~(2) 3 OR MORE MODEL HOMES.~~

(D) (1) AT SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT THE TIME OF OFFERING NEW HOMES IN A SUBDIVISION FOR SALE, A DEVELOPER HOME BUILDER SHALL:

~~(1) MAKE AVAILABLE FOR INSPECTION A MODEL HOME THAT CONTAINS MINIMUM VISITABILITY FEATURES; AND~~

~~(2) OFFER OFFER~~ OFFER MINIMUM VISITABILITY FEATURES AS AN OPTION FOR PURCHASE.

(2) THE OFFER OF MINIMUM VISITABILITY FEATURES SHALL BE ACCOMPANIED BY:

(I) A POINT OF SALE DOCUMENT THAT DESCRIBES THE MINIMUM VISITABILITY FEATURES; AND

(ii) A GENERIC DRAWING OR PHOTOGRAPH THAT SHOWS THE MINIMUM VISITABILITY FEATURES AND THE LOTS AND NEW HOME TYPES THAT ARE CONDUCTIVE TO THE MINIMUM VISITABILITY FEATURES THAT COULD BE CONSTRUCTED.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any subdivision that receives preliminary plan approval on or after October 1, 2012.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2012.

Approved by the Governor, May 10, 2011.